

July 28, 2016

**Via Electronic Mail and ECF**

Honorable Sarah Netburn  
United States District Court  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 219  
New York, New York 10007

**Re: *Next Commc'ns. Inc., and NxtGn, Inc. v. Viber Media, Inc.*, Case No. 1:14-cv-08190-RJS**

Dear Judge Netburn:

On June 24, 2016, your Honor instructed the parties to file a joint letter no later than July 28, 2016, updating the Court on the status of discovery and whether it would be productive to schedule a settlement conference (D.E. 89).

Undersigned counsel have discussed this matter and feel it would be unproductive to schedule a settlement conference at this time due to the fact that discovery has only just commenced.

The parties are available at your Honor's convenience to discuss this matter further.

Respectfully Submitted,

/s Daniel Foodman

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/s/ Susan M. Schlesinger

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